

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PAUL POGUE and)	
PAUL POGUE, in his capacity as)	
owner of SURVEYORS' PARK)	
)	
Plaintiffs,)	CIVIL ACTION NUMBER
)	
v.)	2:06-cv-148-MHT
)	
TONY CHANDLER, et al.,)	
)	
Defendants.)	

MOTION FOR DEFENDANTS' FIRST REQUESTS FOR
ADMISSION TO BE DEEMED ADMITTED

Come now Defendants Tony Chandler and Danny Clark, by and through counsel, and pursuant to Rule 36, Federal Rules of Civil Procedure, request that the admissions in the Defendants' First Requests for Admission be deemed admitted. As grounds therefore, the Defendants submit the following:

1. On August 21, 2006, the Defendants served a document entitled "Defendants' First Requests for Admission" upon the Plaintiff (see Brief in Support of Defendants Motion to Dismiss or in the Alternative, for Summary Judgment, Exhibit D, Attachment B).

2. As of this date, the Plaintiff has not responded to the Defendants' First Requests for Admission. This date is more than 33 days since the request was served upon the Plaintiff.

3. Rule 36, Federal Rules of Civil Procedure, provides that Requests for Admission shall be deemed admitted if the opposing party does not answer or object to the requests within 30 days unless the Court allows or the parties agree in writing to a shorter or longer time for an answer or objection to be filed.

4. The parties have not agreed to any variance in the 30-day time limit imposed by Rule 36.

Now therefore, the Defendants respectfully request this Court to find that the admissions contained in the Defendants' First Requests for Admission are deemed admitted by operation of law under Rule 36, Federal Rules of Civil Procedure.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL
KIN047
BY

s/Charles T. Conway
Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September, 2006, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, and that a copy of the same has been sent by First Class Mail to the plaintiff:

Paul Pogue
301 Kahn Street
The Mays Building
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s/Charles T. Conway
Assistant Attorney General

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